GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:1
ANSWERED ON:16.11.2016
All India Judicial Service
Saraswati Shri Sumedhanand;Singh Shri Sushil Kumar

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether suggestions have been received from various quarters for the creation of a new All India Judicial Service on the lines of the All India Services and if so, the details thereof;
(b) whether the Government has sought views of various State Governments in this regard and if so, the details in this regard;
(c) whether objections have been raised by States in regard to creation of such new service and if so, the details and reasons cited therein; and
(d) the likely benefits of the unified All India Judicial Service and the challenges being faced in its creation?

Answer

ANSWER

MINISTER OF LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) of LOK SABHA STARRED QUESTION NO. *1 FOR ANSWER ON 16TH NOVEMBER, 2016.

(a) to (d) : The creation of All India Judicial Service was recommended by Law Commission of India in its 14th Report (1958). Later, Law Commission reiterated such recommendation in 77th Report (1978) and 116th Report (1986). The Supreme Court of India in the matter of All India Judges Association versus Union of India and others, recommended that Government should examine the feasibility of implementing the recommendations of the Law Commission for setting up of All India Judicial Service. The issue of creation of All India Judicial Service was considered and recommended by the First National Judicial Pay Commission (FNJPC) better known as Justice Shetty Commission.

A comprehensive proposal was formulated for the constitution of an All India Judicial Service (AIJS) and the same was approved by the Committee of Secretaries in November, 2012. The proposal was included as an agenda item in the Conference of Chief Ministers and Chief Justices of the High Courts held in April, 2013 and it was decided that issue needs further deliberation and consideration. The views of the State Governments and High Courts were sought on the proposal. There was divergence of opinion among the State Governments and among High Courts on constitution of All India Judicial Service. While some State Governments and High Courts were not in favour of creation of All India Judicial Service in some other cases the State Governments and High Courts wanted changes in the proposal formulated by the Central Government.

Requirement of the knowledge of local language is one of the important factors affecting creation of All India Judicial Service. It is apprehended that lack of knowledge of local language will erode the judicial efficiency both in regard to understanding and evaluating the evidence as well as in pronouncing the judgment. The second apprehension has been regarding the erosion of control of State High Courts over the district / subordinate judiciary. The third apprehension is whether All India Judicial Service based on direct recruitment for twenty five percent posts of District Judges will have an all India character.

All India Judicial Service will help to strengthen the federal governance by not only attracting some of the best talent in the country, but also by bringing to the States judicial officers from other parts of the country having different cultural background and speaking other language from that of the state of allotment. It will also facilitate inclusion in judiciary of competent persons belonging to underprivileged and marginalised communities. By this, greater national integration will be promoted and knowledge of judicial administration from other parts of the country will be shared. AIJS will enable better application of laws and procedures across the country and the harmonized procedures would, in turn, help in promoting better judicial governance.

However, keeping in view the divergence of opinion among the stakeholders on constitution of All India Judicial Service, the Government has undertaken the consultative process to arrive at a common ground.